

December 31, 2008

***Via Email to CETCCap@usac.org and
Certified Mail Return Receipt Requested***

Karen Majcher
Vice President, High-Cost and Low-Income Division
Universal Service Administrative Company
2000 L Street, NW, Suite 200
Washington, DC 20036

Re: *Proposed Correction to CETC Cap Amounts: Guam and CNMI
WC Docket No. 05-337; CC Docket No. 96-45*

Dear Ms. Majcher:

On behalf of PTI Pacifica Inc. ("PTI"),¹ this letter is to advise you of a needed correction to the CETC cap amounts published by the Universal Service Administrative Company ("USAC")² for the CNMI and Guam.

The levels of the caps in the CNMI and Guam will affect the amount of support available to all CETCs in both jurisdictions. Thus, it is critical to the residents of both territories that the caps be calculated accurately. The capped support amounts for the CNMI and Guam published in connection with the *Public Notice*, however, fail to take into account pending petitions for waiver of routine high-cost filing deadlines for the period including March 2008.³ It is anticipated that these waivers will be granted because, as discussed in the petitions, the requested

¹ PTI Pacifica Inc. holds CMRS licenses and has been designated as a wireless competitive eligible telecommunications carrier ("CETC") in the Commonwealth of the Northern Mariana Islands ("CNMI") and the Territory of Guam.

² *March 2008 Capped Universal Service High-Cost Support for Competitive Eligible Telecommunications Carriers*, CC Docket No. 96-45 and WC Docket No. 05-337, Public Notice, DA 08-264 (rel. Dec. 10, 2008) (the "*Public Notice*").

³ *IT&E Overseas, Inc. Petition for Protective Waiver of Section 54.209 of the Commission's Rules*, CC Docket No. 96-45 (filed March 31, 2008); *Comment Sought on Three Separate Petitions Filed by IT&E Overseas, Inc. for Waiver of Sections 54.209, 54.314, 54.809, and 54.904 of the Commission's Rules*, CC Docket No. 96-45, Public Notice, 23 FCC Rcd 6448 (2008). *Petition for Waiver of PTI Pacifica Inc.*, CC Docket No. 96-45 (filed Feb. 8, 2008); *Comment Sought on Petitions for Waiver of Filing Deadlines Related to the Universal Service Program*, CC Docket No. 96-45, Public Notice, 23 FCC Rcd 2897 (2008).

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waivers are entirely consistent with relief granted previously⁴ and with the public interest.⁵ Because the support amounts for Guam and the CNMI published in connection with the *Public Notice* do not reflect these waiver petitions, they do not accurately reflect the amount of support available to CETCs for the cap base period of March 2008.⁶

Respectfully submitted,

WILKINSON BARKER KNAUER, LLP

By: Kenneth D. Patrich
Kenneth D. Patrich
Timothy J. Cooney

cc: FCC Secretary (via ECFS in 96-45 and 05-337)
Jennifer McKee, FCC (via email)

⁴ See, e.g., *Federal-State Joint Board on Universal Service, et al.*, CC Docket No. 96-45, Order, 23 FCC Rcd 11552 (WCB 2008).

⁵ See Letter from Benigno R. Fitial, Governor, CNMI, to Kevin J. Martin, Chairman, FCC (CC Docket No. 96-45) (dated June 18, 2008); Letter from Felix P. Camacho, Governor, Guam to Kevin J. Martin, Chairman, FCC (CC Docket No. 96-45) (dated June 2, 2008). See also Letter from L. Charles Keller, counsel to Pacific Telecom Inc., to Marlene Dortch, FCC, CC Docket No. 96-45 (filed July 28, 2008) at Attachment.

⁶ *High-Cost Universal Service Support; Federal-State Joint Board on Universal Service*, WC Docket No. 05-337, CC Docket No. 96-45, Order, 23 FCC Rcd 8834 (2008) (*Interim Cap Order*).